IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6034 of 2007()

CRIME NO.471 OF 2007 OF TANUR POLICE STATION

: PETITIONERS

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1. BASHEER.A.P.S/O. ABBAS,
   ANEENTEPURACKL HOUSE,
   TANUR PANDARA KADAPPURAM
   TANUR P.O. MALAPPURAM DISTRICT.

2. NAZAR,S/O. ABDUL KHADER,
   KOLIKKANAKATH HOUSE,
   TANUR PANDARA KADAPPURAM
   TANUR P.O. MALAPPURAM DISTRICT.

3. AYOOB, S/O. ABDUL KHADER,
   KOLIKKANAKATH HOUSE,
   TANUR PANDARA KADAPPURAM
   TANUR P.O. MALAPPURAM DISTRICT.

4. JABBAR,S/O. HAMSA KOYA,
   KOTTILAKATH VEEDU,
   TANUR PANDARA KADAPPURAM
   TANUR P.O. MALAPPURAM DISTRICT.

5. SHARAFUDDIN,S/O. SEETHIKUTTY,
   AMINA PORAKATH,
   TANUR PANDARA KADAPPURAM
   TANUR P.O. MALAPPURAM DISTRICT.

BY ADV. SRI.K.A.JALEEL
SRI.N.K.POULOSEKUTTY

RESPONDENTS: COMPLAINANT

STATE OF KERALA (REP.BY SUB INSPECTOR
OF POLICE, TANUR POLICE STATION-CRIME 471 OF TANUR
POLICE STATION) REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6034 of 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 8, 16, 18, 19 & 20. They face allegations in a crime registered, inter alia, under Sections 353 and 225 B I.P.C. The crux of the allegations against the petitioners is that the 4th accused who was arrested in another crime had escaped from the custody of the police and the other accused persons have facilitated such escape from the custody by the 4th accused. In the F.I.R, 4 accused persons are named. The petitioners have subsequently been brought on the array of accused by a subsequent report, it is submitted. Investigation is in progress. The petitioners apprehend imminent arrest.

2. According to the learned counsel for the petitioners, the petitioners are absolutely innocent. All activists of a certain political party against whom there is ill will for the police are being arrayed as accused in the crime, it is submitted. The petitioners are willing to abide by any conditions. Subject to appropriate conditions, the petitioners may be granted anticipatory bail, it is prayed.

3. The application is not opposed by the learned Public Prosecutor. In the facts and circumstances of the case, I am satisfied that the petitioners deserve to be granted anticipatory bail.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 23.10.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 24.10.07 and 25.10.07and thereafter between 10 a.m and 12 noon on all Mondays for a period of one month;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 23.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 23.10.07.

(R.BASANT, JUDGE)

rtr/-